
By: **Delegate Montague**
Introduced and read first time: February 22, 2001
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Child in Need of Assistance - Permanency Plan - Appeal of Interlocutory**
3 **Order**

4 FOR the purpose of prohibiting an appeal from an interlocutory order amending a
5 certain permanency plan for a child in need of assistance; and generally relating
6 to the prohibition of an appeal from certain interlocutory orders related to
7 certain permanency plans for children in need of assistance.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 12-303
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 12-303.

17 A party may appeal from any of the following interlocutory orders entered by a
18 circuit court in a civil case:

19 (1) An order entered with regard to the possession of property with
20 which the action is concerned or with reference to the receipt or charging of the
21 income, interest, or dividends therefrom, or the refusal to modify, dissolve, or
22 discharge such an order.

23 (2) An order granting or denying a motion to quash a writ of attachment.

24 (3) An order:

25 (i) Granting or dissolving an injunction, but if the appeal is from
26 an order granting an injunction, only if the appellant has first filed his answer in the
27 cause.

1 (ii) Refusing to dissolve an injunction, but only if the appellant has
2 first filed his answer in the cause.

3 (iii) Refusing to grant an injunction; and the right of appeal is not
4 prejudiced by the filing of an answer to the bill of complaint or petition for an
5 injunction on behalf of any opposing party, nor by the taking of depositions in
6 reference to the allegations of the bill of complaint to be read on the hearing of the
7 application for an injunction.

8 (iv) Appointing a receiver but only if the appellant has first filed his
9 answer in the cause.

10 (v) For the sale, conveyance, or delivery of real or personal property
11 or the payment of money, or the refusal to rescind or discharge such an order, unless
12 the delivery or payment is directed to be made to a receiver appointed by the court.

13 (vi) Determining a question of right between the parties and
14 directing an account to be stated on the principle of such determination.

15 (vii) Requiring bond from a person to whom the distribution or
16 delivery of property is directed, or withholding distribution or delivery and ordering
17 the retention or accumulation of property by the fiduciary or its transfer to a trustee
18 or receiver, or deferring the passage of the court's decree in an action under Title 10,
19 Chapter 600 of the Maryland Rules.

20 (viii) Deciding any question in an insolvency proceeding brought
21 under Title 15, Subtitle 1 of the Commercial Law Article.

22 (ix) Granting a petition to stay arbitration pursuant to § 3-208 of
23 this article.

24 (x) Depriving a parent, grandparent, or natural guardian of the
25 care and custody of his child, or changing the terms of such an order, BUT NOT IF THE
26 ORDER AMENDS A PERMANENCY PLAN DETERMINED UNDER § 3-826.1 OF THIS
27 ARTICLE.

28 (xi) Denying immunity asserted under § 5-525 or § 5-526 of this
29 article.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 June 1, 2001.